

Notice of Allowability

Application No.

10/517,097

Examiner

Rosanne Kosson

Applicant(s)

PEREZ-GARCIA ET AL.

Art Unit

1652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an amendment filed on October 6, 2006.
2. ☒ The allowed claim(s) is/are 1,5,6 and 8-15.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

1. The application has been amended as follows.

The specification is amended as follows.

Insert the following paragraph after the title.

This application is the U.S. national phase of International Application No. PCT/BR03/00073, filed on June 9, 2003, which claims priority to Brazilian Application No. PI 0202157-9, filed on June 7, 2002.

The claims are amended as follows.

2. (canceled)

4. (canceled)

5. (original) The peptide of claim 1, wherein the peptide is produced by recombinant techniques using a viral system, a bacterial system, a fungal system, other prokaryotic systems, other eukaryotic systems or a combination thereof.

6. (amended) A method for producing an administrable pharmaceutical composition comprising the peptide of claim 1, comprising the step of combining the peptide of claim 1 with a pharmaceutically acceptable carrier.

7. (canceled)

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8. (original) A pharmaceutical composition comprising an anti-hypertensive amount of the peptide of claim 1.

9. (amended) A method for ~~labeling and/or~~ chemically modifying the peptide of claim 1, comprising the step of acetylating, deamidating, methylating or phosphorylating the peptide of claim 1.

11. (amended) The peptide of claim 1, wherein the peptide comprises at least two features selected from the group consisting of: i) a lack of ~~Cystein~~ cysteine residues and a lack of internal disulfide bridges; ii) a molecular signature at a C-terminal ending or portion, described as: Xaa-Pro-Pro or Xaa-Pro-Pro-Ala, where Xaa is any amino acid residue; iii) pairs of amino acid residues effective to form a protective shield against amino-, endo- and carboxi-proteinase[s] enzymes; and iv) hypotensive effects in vertebrates.

12. (amended) The peptide of claim 1, wherein the peptide is free of ~~Cystein~~ cysteine residues and internal disulfide bridges.

Authorization for this Examiner's Amendment was given by telephone by Applicants' agent, Mr. David Tener, on October 26, 2006.

2. The following is an examiner's statement of reasons for allowance. The prior art neither teaches nor suggests the polypeptides of SEQ ID NOS: 1-4. The closest prior art is Bolotine et al. (FR 2807466 A1), SEQ ID NO: 1839, the yseF protein from *Lactococcus lactis*, published October 12, 2001, a portion of which has 45.9% sequence identity to SEQ ID NO: 4. See enclosed Result 5, the alignment of Applicants' SEQ ID NO: 4 and the sequence of Bolotine et al. from a search in the Geneseq database on December 29, 2005.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the

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issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

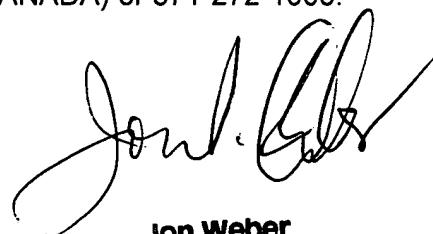
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rosanne Kosson whose telephone number is 571-272-2923. The examiner can normally be reached on Monday-Friday, 8:30-6:00, alternate Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapu Achutamurthy can be reached on 571-272-0928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Rosanne Kosson
Examiner, Art Unit 1652

rk/2006-10-26



Jon Weber
Supervisory Patent Examiner